

Message Text

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ACTION AF-10

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FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 8058

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

USMISSION GENEVA

USMISSION USUN NEW YORK

AMEMBASSY LONDON

AMEMBASSY LUSAKA

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LIMITED OFFICIAL USE PRETORIA 3448

E.O. 11652: N/A

TAGS: PINT, SHUM, SF

SUBJECT: ANC TRIAL IN PRETORIA: STATUS REPORT

REF: PRETORIA 3046,

1. SUMMARY: THE PRETORIA TRIAL OF 12 BLACKS ACCUSED OF ANC ACTIVITIES HAS ATTRACTED WIDESPREAD MEDIA COVERAGE AND LARGE CROWDS SINCE IT OPENED. ONE MAJOR STATE WITNESS HAS TESTIFIED HE GAVE INCRIMINATING TESTIMONY ONLY AFTER BEING TORTURED BY SECURITY POLICE. THE ATMOSPHERE REMAINS TENSE AS SOME TWENTY ARMED POLICEMEN PATROL THE GROUNDS DURING THE COURT SESSIONS. END SUMMARY.

2. THE PRETORIA TRIAL OF TWELVE BLACKS ACCUSED OF TERRORISM AND ANC ACTIVITIES HAS ATTRACTED WIDESPREAD
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MEDIA COVERAGE SINCE IT RE-OPENED JUNE 20. AN EMBOFF NOTED DURING HIS SECOND VISIT IN TWO WEEKS, HOWEVER, THAT AS THE NOVELTY HAS WORN OFF AND THE TESTIMONY HAS BECOME INCREASINGLY REPETITIOUS, THE OVERFLOW CROWDS OF THE FIRST FEW DAYS HAVE DWINDLED UNTIL NOW THE SAME 100 OR SO BLACKS FILL TWO-THIRDS OF THE AVAILABLE SEATS EACH DAY. THEY ARE ALL SEARCHED BEFORE ENTERING THE COURT AND ARE NOT

PERMITTED TO BRING IN ANY BAGS OR CONTAINERS. AS THE DEFENDANTS ENTER, SOME IN THE AUDIENCE SHOUT OUT "AMANDLA," AND BOTH DEFENDANTS AND AUDIENCE SALUTE ONE ANOTHER WITH THE RAISED-FIST BLACK POWER SIGN.

3. THE STATE WITNESSES CALLED SO FAR HAVE RECOUNTED NUMEROUS ALLEGED ILLEGAL ACTIVITIES BY THE DEFENDANTS, INCLUDING RECRUITING YOUTHS FOR MILITARY AND URBAN TERRORIST TRAINING ABROAD. IAN RWAXA, DESCRIBED IN SOME MEDIA AS "THE CHIEF STATE WITNESS," TOLD THE COURT JUNE 30 THAT HE HAD LIED DURING HIS PREVIOUS INCRIMINATING TESTIMONY BECAUSE HE HAD BEEN TORTURED BY THE POLICE. HE SPENT THE REST OF THE DAY RECOUNTING THE POLICE ASSAULTS HE HAD ALLEGEDLY UNDERGONE SINCE BEING DETAINED DECEMBER 1, 1976. HE THEN ASKED FOR A RESTRAINING ORDER TO PROTECT HIM AGAINST THE POLICE. THE JUDGE SAID HE COULD NOT COMPLY, BUT THE DEFENSE ATTORNEY ASSERTED RWAXA HAD A DEGREE OF PROTECTION BECAUSE HE HAD TESTIFIED IN OPEN COURT.

4. IN ANOTHER INCIDENT, THE DEFENSE PROTESTED JULY 6 WHEN THE DEFENDANTS WERE LED INTO COURT WEARING LEG IRONS. THE POLICE SUBSEQUENTLY STOPPED THIS PRACTICE, BUT THEY NOW ONLY PERMIT THE ACCUSED TO ENTER THE COURT ONE-BY-ONE. IN ADDITION, THEY HAVE INCREASED THE NUMBER OF OFFICERS ON DUTY INSIDE AND OUTSIDE THE COURT, AND AT PRESENT THERE ARE USUALLY AT LEAST TWENTY UNIFORMED AND PLAIN-CLOTHES ARMED LIMITED OFFICIAL USE

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POLICEMEN PATROLLING THE AREA. AS A RESULT, THE ATMOSPHERE REMAINS TENSE, BUT UNDER CONTROL.

5. COMMENT: RWAXA'S CLAIM THAT HE COMMITTED PERJURY BECAUSE OF POLICE TORTURE MIRRORS SIMILAR ALLEGATIONS IN OTHER CURRENT SOUTH AFRICAN POLITICAL TRIALS. DEFENSE ATTORNEYS IN THE TRIAL OF 20 ZULULAND UNIVERSITY STUDENTS IN DURBAN AND IN THE TRIAL OF 10 ANC ACTIVISTS IN PIETERMARITZBURG HAVE TOLD AN EMBOFF THAT SUCH CLAIMS, WHETHER TRUE OR NOT, ARE OFTEN THE ONLY MEANS AVAILABLE TO GAIN AN ACQUITTAL SINCE MOST OF THEIR CLIENTS HAVE, THEY ADMIT, BEEN ENGAGED IN REVOLUTIONARY ACTIVITIES. IT IS LIKELY THE DEFENSE IN THIS TRIAL WILL ADOPT THE SAME LEGAL TACTIC.

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